

United States District Court District of Massachusetts

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2003-10383-RGS-01

JULIO FRANCO,
Defendant.

ORDER AND RECOMMENDATION AFTER FINAL STATUS CONFERENCE PURSUANT TO LOCAL RULE 116.5(C)

COLLINGS, U.S.M.J.

A Final Status Conference was held on January 11, 2007. Counsel for the defendant appeared.

The within Order is prepared pursuant to Local Rule 116.5(D). Using the numeration of matters listed in Local Rule 116.5(C), I report as follows:

- (1) No.
- (2) No.
- (3) No.

- (4) The Government has not requested notice of alibi.
- (5) A motion to suppress (#74) has been filed. Upon agreement, the Government's response is due on or before cob on ***January 24, 2007***.
- (6) No.
- (7) At this point, a trial will be necessary; a trial would last about five (5) trial days.
- (8) *See* Further Order of Excludable Delay entered this date.
- (9) Five (5) trial days.

Using the numeration of matters listed in Local Rule 116.5(D), I report as follows:

- (1) Yes.
- (2) Yes; no reason for the case to remain with the magistrate judge.
- (3) *See* ¶ (5), *supra*.
- (4) *See* ¶ (8), *supra*.
- (5) Five (5) trial days.
- (6) No.

THE FILE IS RETURNED TO THE CLERK'S OFFICE WITH INSTRUCTIONS TO BRING THE CASE TO THE IMMEDIATE ATTENTION OF THE COURTROOM DEPUTY CLERK ASSIGNED TO JUDGE STEARNS' SESSION.

I RECOMMEND THAT CASE BE SET DOWN FOR AN INITIAL PRE-TRIAL CONFERENCE AS SOON AS POSSIBLE ON OR AFTER JANUARY 25, 2007 TO HEAR THE MOTION TO SUPPRESS AND TO SET A FIRM TRIAL DATE.

The Clerk shall enter on the docket the fact that the case “is no longer referred to Magistrate Judge Collings.”

/s/ Robert B. Collings

ROBERT B. COLLINGS
United States Magistrate Judge

January 12, 2007.